

Endou et al.
U.S.S.N. 09/424,347
Page 5

REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the following remarks.

As an initial matter, Applicants appreciate the courtesy extended by Examiner Murphy during a series of telephone conferences conducted on February 3, 14, and 17 regarding possible Examiner's amendment to place the application in a condition for allowance.

Claim 17 and 19-21 have been amended and new claims 22-24 have been introduced. Claims 17 and 19-24 are now pending in the instant application. Support for the amendments to the claims may be found throughout the specification. No new matter has been added by the amendments to the claims.

Claim 17, as amended, provides screening methods to identify compounds for an effect on the ability of a protein to transport an organic anion in which the effect of the compounds is determined by comparing the amount of organic anion transported to the amount of organic anion transported in the presence of said compound.

Support for the amendments to claim 17 can be found, for example, in method 4 of Example 2 on page 16, lines 1-15.

Support for new claim 22 can be found, for example, in method 5 of Example 2 on page 16, line 16 to page 17, line 3.

Endou et al.
U.S.S.N. 09/424,347
Page 6

Claim 21 was objected to because the method steps were listed with numerical identifiers. Claim 21 has been amended to incorporate the alphanumerical identifiers suggested by the Examiner in the pending office action. Thus, the objection has been obviated.

Claims 17 and 19-21 were rejected under 35 U.S.C. §112, second paragraph, allegedly as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17, as amended, includes a step of comparing the amount of organic anion transported to the amount of organic anion transported in the presence of said compound, or comparing the amount of organic anion transported to the amount of organic anion transported in the absence of said compound. Thus, the allegedly omitted essential feature has been introduced into claim 17.

The terms "isolated from human" and "isolated from kidney" of claims 19-20 were rejected as being allegedly vague. The phrase "encoded by a nucleic acid" has been inserted in front of the word "isolated" in each of claims 19 and 20.

New claim 22 provides a method of original claim 17 which further includes a step of comparing the amount of organic anion transported when the oocyte is expressing the protein comprising the amino acid sequence shown in SEQ ID NO 2, to the amount of organic anion transported in the absence of said protein. Thus, the allegedly omitted essential feature of claim 17 has been incorporated into new claim 22.

Claim 21, as amended, particularly points out the first and second oocyte used in the screening method provided therein.

Endou et al.
U.S.S.N. 09/424,347
Page 7

Claim 21, as amended, also particularly points out in step (d) that comparison of the amount of labeled organic anion transported is as measured in step (c). Applicants have not incorporated the remaining language suggested by the Examiner at least because it is not an essential step. The phrase "wherein a test compound which reduces the amount of organic anion transported is considered an inhibitor of organic anion uptake," unnecessarily repeats and redefines the preamble of the claim. Claim 21 provides a method for screening a compound inhibiting uptake. The meaning of inhibitor is consistent with its ordinary and plain meaning in the art such that the recitation that inhibition means reducing the amount of transport is not necessary.

Applicants respectfully submit that claims 17 and 19-21, as currently amended, fully comply with the requirements of 35 U.S.C. §112, including the requirements of §112, second paragraph.

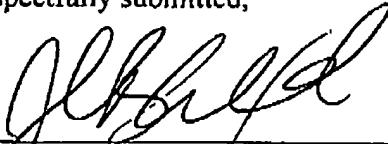
New claims 22-24 provide methods of for screening a protein for an effect on the ability of a protein to transport an organic anion in which the comparison step comprises comparing the amount of organic anion transported in the presence of said protein to the amount of organic anion transported in the absence of said protein. Thus, for at least the reasons set forth above in connection with claims 17, 19, and 20, new claims 22-24 are also compliant with the requirements of §112, second paragraph.

It is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

Applicants believe that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Endou et al.
U.S.S.N. 09/424,347
Page 8

Respectfully submitted,



Date: May 23, 2005

John B. Alexander, Ph.D. (Reg. No. 48,399)
EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, MA 02205
Tel: (617) 439-4444
Fax: (617) 439-4170

468091